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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/735,392	12/12/2003	Hatem Hannawa	66138-0005	8983
10/291 7590 06/27/2008 RADER, FISHMAN & GRAUER PLLC 39533 WOODWARD AVENUE SUITE 140 BLOOMFIELD HILLS, MI 48304-0610				
EXAMINER				
SAFAVI, MICHAEL				
ART UNIT		PAPER NUMBER		
3637				
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06/27/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/735,392

Applicant(s)

HANNAWA ET AL.

Examiner

Michael Safavi

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 March 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-5,8-11 and 33-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-5,8-11 and 33-38 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/S508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1, 3, 5, 8-11, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese reference 10-292624 (JP '624) in view of U.S. Patent No. 5,792,552 to Langkamp et al.

JP '624 discloses, Figs. 3, 4, 9, and 12, a panel formed of fiber reinforced resin having a pattern in the form of recesses 4 with openings 8 therethrough and reinforcing matrix in the form of braces 3, 5, and 6, (**claims 1, 3, 5, and 8**). The recess of each pattern can be seen as extending more than approximately three-quarters of the total thickness of the form, (**claims 9 and 10**). At least one cavity "intersects one of the braces as can be seen in Figs. 4, 9, and 12, (e.g. lower 6 of Fig. 9 and lower 5 of Fig. 12 as well as lower 5 of Fig. 4 intersect with a cavity), (**claim 11**). A reinforcement matrix 6 integrated with said rear face, said reinforcement matrix including a plurality of bracings, (vertical 6 and horizontal 6), at least one bracing including two webbings, (adjacent and parallel vertical 6) with supports, (horizontal 6), intermittently spaced between sections of said webbings.

JP '624 does not appear to specifically disclose a form having apertures along the edge walls within which attachment mechanisms may be received to attach adjacent

form panels together. However, Langkamp et al. '552 teaches, Figs. 3 and 7-9, application of attachment mechanisms 82 within apertures 80 along the edge walls of form panels, in order to attach adjacent form panels together. Therefore, to have formed the Japanese '624 reference form panel with apertures along the edge walls within which attachment mechanisms may be received as well as provide attachment mechanisms to attach adjacent form panels together would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Langkamp et al. '552.

Claims 4 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese reference 10-292624 (JP '624) in view of U.S. Patent No. 5,792,552 to Langkamp et al. as applied to claims 1, 3, 5, and 8-11 above, and further in view of either of U.S. Patent 5,431,366 to Matsumoto et al and U.S. Patent No. 6,148,575 to Dingler.

The modified JP '624 panel does not appear to specifically disclose a form made of a polypropylene material that includes fiberglass strands. However, each of Matsumoto '366 and Dingler '575 teaches utilization of a form made of polypropylene material reinforced with fiberglass strands. Therefore, to have formed the form of JP '624 from a polypropylene material, (including polypropylene copolymer), reinforced with fiberglass strands, (as part of the filler material as well as the fiber mesh layer), thus providing a sturdy form panel, would have been obvious to one having ordinary skill in

the art at the time the invention was made as taught by either of Matsumoto '366 and Dangler '575.

Claims 11 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese reference 10-292624 (JP '624) in view of U.S. Patent No. 5,792,552 to Langkamp et al. as applied to claims 1, 3, 5, and 8-11 above, and further in view of either of U.S. Patent 1,123,261 to Edison.

As stated above JP '678 shows at least one cavity which intersects one of the braces as can be seen in Figs. 4, 9, and 12, (e.g. lower 6 of Fig. 9 and lower 5 of Fig. 12 as well as lower 5 of Fig. 4 intersect with a cavity). In any event, Edison discloses a form panel with a decorative pattern cavity intersecting one of the braces to provide support. Therefore, to have provided the JP '624 form panel with a cavity intersecting one of the braces, thus serving to provide support, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Edison '261.

Claims 1, 3, 5, 8-11, and 36-38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese reference 10-292624 (JP '624) in view of U.S. Patent No. 6,117,521 to Yoshida et al.

JP '624 discloses, Figs. 3, 4, 9, and 12, a panel formed of fiber reinforced resin having a pattern in the form of recesses 4 with openings 8 therethrough and reinforcing matrix in the form of braces 3, 5, and 6, (**claims 1, 3, 5, and 8**). The recess of each

pattern can be seen as extending more than approximately three-quarters of the total thickness of the form, (**claims 9 and 10**). At least one cavity "intersects one of the braces as can be seen in Figs. 4, 9, and 12, (e.g. lower 6 of Fig. 9 and lower 5 of Fig. 12 as well as lower 5 of Fig. 4 intersect with a cavity), (**claim 11**). A reinforcement matrix 6 integrated with said rear face, said reinforcement matrix including a plurality of bracings, (vertical 6 and horizontal 6), at least one bracing including two webbings, (adjacent and parallel vertical 6) with supports, (horizontal 6), intermittently spaced between sections of said webbings.

JP '624 does not appear to specifically disclose a form having apertures along the edge walls within which attachment mechanisms may be received to attach adjacent form panels together. However, Yoshida et al. '521 teaches, Figs. 1, 4, 5, 7, and 8 formation of a form panel as a one-piece molded glass fiber reinforced polymer unit with integrated reinforcement matrix. Yoshida et al. '521 further teaches, Figs. 1 and 8, application of attachment mechanisms within apertures 4, 5 along the edge walls of form panels, in order to attach adjacent form panels together. Therefore, to have formed the Japanese '624 reference form panel as a one-piece molded glass fiber reinforced polymer unit with integrated reinforcement matrix with apertures along the edge walls within which attachment mechanisms may be received as well as provide attachment mechanisms to attach adjacent form panels together would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Yoshida et al. '521.

Claims 4 and 33-35 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese reference 10-292624 (JP '624) in view of U.S. Patent No. 6,117,521 to Yoshida et al. as applied to claims 1, 3, 5, 8-11, and 36-38 above, and further in view of either of U.S. Patent 5,431,366 to Matsumoto et al and U.S. Patent No. 6,148,575 to Dingler.

The modified JP '624 panel does not appear to specifically disclose a form made of a polypropylene material that includes fiberglass strands. However, each of Matsumoto '366 and Dingler '575 teaches utilization of a form made of polypropylene material reinforced with fiberglass strands. Therefore, to have formed the form of JP '624 from a polypropylene material, (including polypropylene copolymer), reinforced with fiberglass strands, (as part of the filler material as well as the fiber mesh layer), thus providing a sturdy form panel, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by either of Matsumoto '366 and Dingler '575.

Claims 11 and 38 are rejected under 35 U.S.C. 103(a) as being unpatentable over Japanese reference 10-292624 (JP '624) in view of U.S. Patent No. 6,117,521 to Yoshida et al. as applied to claims 1, 3, 5, 8-11, and 36-38 above, and further in view of either of U.S. Patent 1,123,261 to Edison.

As stated above JP '678 shows at least one cavity which intersects one of the braces as can be seen in Figs. 4, 9, and 12, (e.g. lower 6 of Fig. 9 and lower 5 of Fig. 12 as well as lower 5 of Fig. 4 intersect with a cavity). In any event, Edison discloses a

form panel with a decorative pattern cavity intersecting one of the braces to provide support. Therefore, to have provided the JP '624 form panel with a cavity intersecting one of the braces, thus serving to provide support, would have been obvious to one having ordinary skill in the art at the time the invention was made as taught by Edison '261.

Response to Arguments

Applicant's arguments filed March 06, 2008 have been fully considered but they are not persuasive. As stated in the response to arguments section in the final Office action of February 22, 2007 the form panel of JP '624 is one-piece one piece element. In any event the instant claims recite ""a reinforcement matrix integrated with said rear face" or "integrating a reinforcement matrix with said rear face" which would read upon any attached component.

The declaration under 37 CFR 1.132 filed March 06, 2008 is insufficient to overcome the rejection of claims 1, 3, 5, and 8-11 based upon Japanese reference 10-292624 (JP '624) in view of U.S. Patent No. 5,792,552 to Langkamp et al. as set forth in the last Office action because: the declaration fail to set forth a nexus between information provided on any of the attached exhibits and the claimed subject matter. Further, the declaration does not set forth any specific information with regard to the market place such comparisons between competitors including for example, advertising revenue, market share, availability, etc.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Safavi whose telephone number is (571) 272-7046. The examiner can normally be reached on Mon.-Fri., 8:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Michael Safavi/
Primary Examiner, Art Unit 3637

M. Safavi
June 12, 2008